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*Attorneys for Defendants*  
8 *Christopher Bates and Jeffrey O'Brien*

9 IN THE UNITED STATES DISTRICT COURT  
10 FOR THE CENTRAL DISTRICT OF CALIFORNIA  
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13 **Jeff Macy, as an individual, Jerusha**  
14 **Macy, as an individual, Josiah Macy,**  
15 **as an individual, and Jodiah Macy, as**  
**an individual,**

16 Plaintiffs,

17 v.

18 **California Highway Patrol, a State**  
19 **Agency; Officer Christopher Bates;**  
20 **Supervisor Officer Sergeant Jeffrey**  
**O'Brien, and Does 1 - 10, inclusive,**

21 Defendants.  
22

5:23-CV-02245-RGK-BFM

**DEFENDANTS' REQUEST FOR  
AN EXTENSION TO TIME TO  
FILE AN OPPOSITION TO  
PLAINTIFF'S DISCOVERY  
MOTION (ECF 63)**

Judge: Hon. Brianna Fuller Mircheff  
Trial Date: TBA  
Action Filed: 5/06/2024

23 **INTRODUCTION**

24 Defendants request an extension of time of seven days to file a response to  
25 Plaintiff Jeff Macy's pending discovery motion. (ECF 63.) Counsel for defendant  
26 will be out of the office on a prepaid vacation during the time Defendants'  
27 opposition is due. (Declaration of Julio A. Hernandez, ¶2.)  
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## REQUEST OF EXTENSION OF TIME

The Court issued a minute order on February 13, 2025, (ECF 73) ordering Defendants to respond to Plaintiff's discovery motion (ECF 63) no later than February 21, 2025.

Initially, the Defendants did not respond to Plaintiff discovery motion because the motion did not comply with the court's order granting leave to file the motion. (ECF 61, p. 2) The moving papers did not indicate a hearing date as required by the court's order. (ECF 61, 63.) Nonetheless Defendants investigated the issues addressed in Plaintiff's discovery motion when it was served. (Hernandez Decl., ¶3.) Regarding Defendant Christopher Bates' MVARs video, it was discovered that during the download process and unknown technical issue added additional time to the MVARs video. (*Ibid.*) It is unclear to the California Highway Patrol what is causing the technical issue. (*Ibid.*) Additionally, the timestamp appearance or non-appearance of the Defendants Bates and Jeffrey O'Brien's respective MVARs, is related to the age of the technology. (*Ibid.*) Finally, Defendants provide an intact CD-ROM to plaintiff. (*Ibid.*)

Defendants' counsel Julio A. Hernandez, will be out of the office on a prepaid vacation beginning on February 14, 2025, returning on February 24, 2025, and will be unable to draft a response prior to the due date of February 21, 2025. (*Id.*, ¶2.)

Therefore, Defendants request an extension of time of one week to respond to the motion, up to February 28, 2025. Additionally, Defendants request that Plaintiff's reply, if any, be due no later than March 7, 2025.

## CONCLUSION

Good cause exists for an extension of time because Defendant's counsel will be unavailable to prepare a response to plaintiff's motion. Defendants investigated the matter and determined that an unknown technical issue is the cause of the issue identified by plaintiff, and defendants will need the additional time to prepare declarations to address the motion.

1 Therefore, Defendants respectfully request that an extension to time be granted  
2 to respond to Plaintiff's discovery motion.

3  
4 Dated: February 14, 2025

Respectfully submitted,

5 ROB BONTA  
6 Attorney General of California  
7 CATHERINE WOODBRIDGE  
8 Supervising Deputy Attorney General

9 */s/ Julio A. Hernandez*

10 JULIO A. HERNANDEZ  
11 Deputy Attorney General  
12 *Attorneys for Defendants*  
13 *Christopher Bates and Jeffrey*  
14 *O'Brien*  
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**DECLARATION OF JULIO A. HERNANDEZ**

I, Julio A. Hernandez declare:

1. I am a Deputy Attorney General with the California Department of Justice, Office of the Attorney General, counsel for Defendants Christopher Bates and Jeffrey O'Brien. I am an attorney duly authorized to practice law in the State of California and the Central District of California. I have personal knowledge of the facts set forth in this declaration.

2. I will be out of the office on a prepaid vacation beginning on February 14, 2025, returning on February 24, 2025, and will be unable to draft a response prior to the due date of February 21, 2025.

3. Upon receipt of the discovery motion, I, in cooperation with the California Highway Patrol investigated the issues addressed in plaintiff's discovery motion. Regarding Defendant Christopher Bates' MVARs video, it was discovered that during the download process and unknown technical issue added additional time to the MVARs video. It is unclear to the California Highway Patrol what is causing the technical issue. Additionally, the timestamp appearance or non-appearance of the Defendants Bates and Jeffrey O'Brien's respective MVARs, is related to the age of the technology. Finally, Defendants provided an intact CD-ROM to plaintiff.

I declare under penalty of perjury under the laws of the State of California and the United States that the foregoing is true and correct. Dated this 14<sup>th</sup> day of February, 2025, at Sacramento, California.

/s/ Julio A. Hernandez  
Julio A. Hernandez

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**DECLARATION OF SERVICE BY E-MAIL AND U.S. MAIL**

**Case Name:** *Macy, Jeff, et al. v. California Highway Patrol, et al.*

**Case No.:** **5:23-CV-02245-RGK-BFM**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service with postage thereon fully prepaid that same day in the ordinary course of business.

On **February 14, 2025**, I served the attached **DEFENDANTS' REQUEST FOR AN EXTENSION TO TIME TO FILE AN OPPOSITION TO PLAINTIFF'S DISCOVERY MOTION (ECF 63)** by transmitting a true copy via electronic mail. In addition, I placed a true copy thereof enclosed in a sealed envelope, in the internal mail system of the Office of the Attorney General, addressed as follows:

Jeff Macy

P.O. Box #103

Twin Peaks, CA 92391

**E-mail Address:** [macybuilders@yahoo.com](mailto:macybuilders@yahoo.com)

*In Pro Per*

I declare under penalty of perjury under the laws of the State of California and the United States of America the foregoing is true and correct and that this declaration was executed on **February 14, 2025**, at Sacramento, California.

Donna Kulczyk

Declarant

/s/ Donna Kulczyk

Signature